IN RE: PETITION FOR MONING VARIANCE N/S Baltimore National Pike, 35' W of the c/l of Nuwood Road \* DEPUTY ZONING COMMISSIONER (One Mile West Shopping Ctr.) \* OF BALTIMORE COUNTY 1st Election District lat Councilmanic District \* Case No. 91-252-A HMH Construction Company Pelitioner \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner originally requested a variance to permit parking with direct vehicle access to travelways and 503 parking spaces in lieu of the minimum required 650 spaces, and to permit 3 other business signs of 264 sq.ft. total in lieu of the maximum permitted 190 sq.ft. At the hearing held on February 12, 1991, the case was continued at Petitioner's request to modify the plan and file an amended Petition. Thereafter, Petitioner filed an amended Petition requesting a variance to permit 475 parking spaces in lieu of the required 717, in accordance with Petitioner's Exhibit 1.

At the hearing held on February 12, 1991, the Petitioner, by Howard P. Sugarman, General Partner, appeared, testified and was represented by Benjamin Bronstein, Esquire. At the continued hearing held on May 6, 1991, Benjamin Bronstein, Esquire appeared on behalf of the Petition as well as Howard Kohn, Leasing Agent, David S. Thaler, Engineer, and Robert Cocchi, Architectural Project Manager for Toys R Us. There were no Protes-

Testimony indicated that the subject property, consists of 10.1 acres more or less zoned B.R. and is improved with a shopping center known as the One Mile West Shopping Center. Petitioner is desirous of expanding The Toys R Us store by 8,153 sq.ft. to provide additional storage space as

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

May 8, 1991

N/S Baltimore National Pike, 35' W of the c/l of Nuwood Road

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

ANN M. NASTAROWICZ

for Baltimore County

P\_ MN-sterance

Deputy Zoning Commissioner

above-captioned matter. The Petition for Zoning Variance has been granted

able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

1st Election District - 1st Councilmanic District

111 West Chesapeake Avenue

Benjamin Bronstein, Esquire

Case No. 91-252-A

Dear Mr. Bronstein:

AMN:bjs

cc: People's Counsel

File

Towson, Maryland 21204

29 W. Susquehanna Avenue, Suite 205

RE: PETITION FOR ZONING VARIANCE

(One Mile West Shopping Center)

in accordance with the attached Order.

HMH Construction Company - Petitioner

Towson, MD 21204

depicted on Petitioner's Exhibit 1. Testimony indicated that Toys R Us is the anchor tenant for the subject shopping center and in order to remain on the site needs additional storage space. Currently they have improperly placed storage trailers on the property which will be moved prior to the commencement of construction of the proposed addition. Testimony indicated that the proposed 476 parking spaces are those presently existing for the site. Mr. Kohn testified that he has managed the subject store since the inception of the shopping center and at no time has there been a problem due to insufficient parking. Petitioner contends the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community and to deny same will result in practical difficulty and unreasonable hardship due to the loss of their vital anchor tenant, Toys R Ws. Petitioner withdrew its request for the sign variance regarding the other business signs. The other business signs, specifically, the Signet Bank and Econo Lube N Tune signs as depicted on Petitioner's Exhibit 1, were granted a variance by the Zoning Commissioner in Case No. 91-67-A.

The Deputy Director of Planning, Pat Keller, appeared at the hearing to comment on the revised site plan in light of its modification of their position set forth in the written comments dated April 24, 1991. Mr. Keller testified he had no objection to the revision, provided Petitioner works with the Office of Planning to provide planting in the parking lot and upgrade the aesthetic quality of the shopping center.

zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

 whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5 day of May, 1991 that the Petition for Zoning Variance to permit 476 parking spaces in lieu of the required maximum of 717, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

RECEWED FEB 2 7 1991 Reuse for 91-252-A -- 1시다 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6.A.2 to permit 476 parking spaces in lieu of the required maximum of 717.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- 1. Configuration of the property
- Existing uses
- 3. And such other and further reasons as may be demonstrated at the time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s): HMH Construction Company
	a Maryland General Partnership
(Type or Print Name)	(Type or Print Name)
Signature	By: Market Market Signature
	Harry Sampson, General Partner
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	
Evans, George & Bronstein (Type of Print Name)	3809 Clarks Lane 359-2151 Address Phone No.
	Baltimore, Maryland 21208
By: Signature	City and State
29 W. Susquehanna Ave., Suite 20	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address 21204	D.S. Thaler & Associates, Inc.
Cine and State	ranie
(301) 296-020	O 7115 Ambassador Rd 944-3647  Address Phone No.
Attorney's Telephone No.:	Address Phone No.
	Baltimore County, this day
required by the Zoning Law of Baltimore County out Baltimore County, that property be posted, an Commissioner of Baltimore County in Room 10	e subject matter of this petition be advertised, as , in two newspapers of general circulation throughed that the public hearing be had before the Zoning of, County Office Building in Towson, Baltimore
County, on the day of _	, 19, at o'clock

Zoning Commissioner of Baltimore County.

mJK - 2/27/91 ELLI Inytime Est. +1m= + 4 + + 45 min

An area variance may be granted where strict application of the

世 184

PETITION FOR ZONING VARIANCE The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.4 to permit parking with direct vehicle access to travelways: 409.1 and 409.A2 to permit 503 parking spaces in lieu of the minimium required 650 and from 413.2.f. to permit 3 other business signs

	under the penalties of perjury are the legal owner(s) of the which is the subject of this Pe	tition.
Contract Purchaser:	Legal Owner(s): HMH Construct a Maryland General Partne	tion Company rship
(Type or Print Name)	(Type or Print Name)  By: (1) (1) (1) (1)	200-
Signature	Signature Harry Sampson, General Par	tner
Address	(Type or Print Name)	
City and State	Signature	a G
Attorney for Petitioner: Evans, George and/Bronstein	3809 Clarks Lane	359-2151 Phone No.
(Type of Print Name)	Address Baltimore, Maryland	21208
Signature Suito 205	City and State  Name, address and phone number of l	egal owner. con-
29 W. Susquehanna Ave., Suite 205	tract purchaser or representative to	De Willacted
Towson, Maryland 21204	D.S. Thaler & Associates Name	
City and State  Attorney's Telephone No.: (301) 296-0200	7115 Ambassador Rd.	944-3647 Phone No.
Attorney's receptions from 2222	Address	•

10/29/90 acail anytime October 16, 1990

") Within forty-five (45) days of the date of this

Order or prior to occupancy of the proposed addition,

whichever occurs first, the Petitioner shall submit a

landscape plan which has been approved by the Deputy and/or Deputy Director of Planning. Said plan shall

at a minimum provide planting and upgrade landscaping

along the front of the property around the signs and

in the interior of the parking lot as determined appro-

3) Prior to the issuance of any permits, the storage

4) Within minety (90) days of the date of this Order.

Petitioner shall submit documentation evidencing com-

pliance with the B.C.Z.R., or the previous issuance of

permits for the identification signs on the subject

5) When applying for any permits, the site plan and

landscaping plan filed must reference this case and

permit three (3) other business signs of 264 sq.ft. total in lieu of the

IT IS FURTHER ORDERED that the Petition for Zoning Variance to

Deputy Zoning Commissioner

for Baltimore County

set forth and address the restrictions of this Order.

trailers shall be removed from the subject property.

priate by the Office of Planning.

maximum permitted 100 sq.ft., be and is hereby DISMISSED.

ONE MILE WEST SHOPPING CENTER DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR VARIANCES

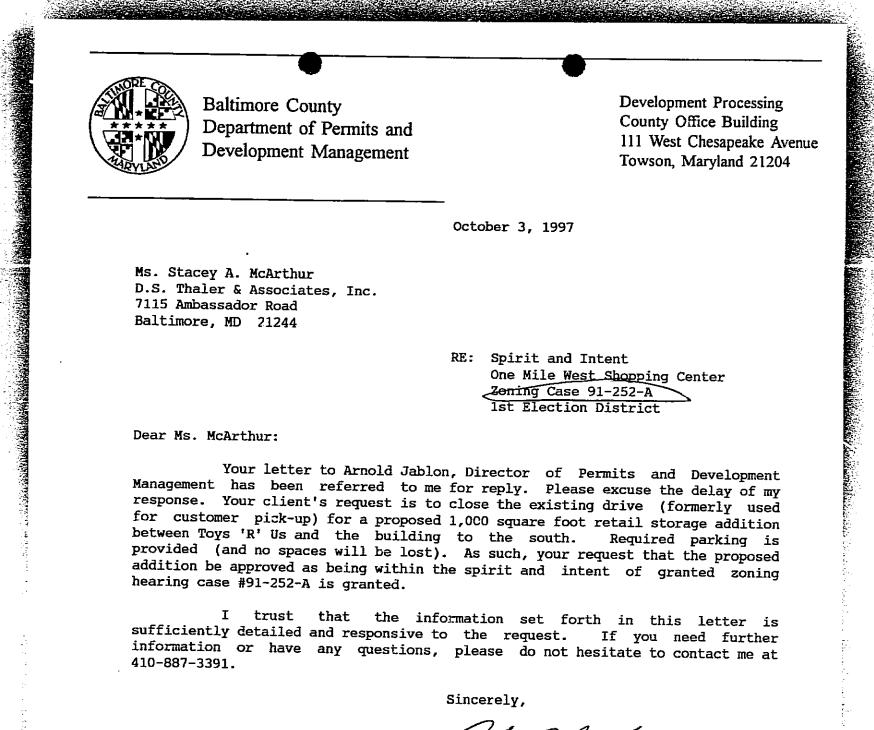
Beginning for the same at the point where the northerly right-of-way line of U.S. Route 40, also known as Baltimore National Pike, intersects the westerly right-ofway line of Nuwcod Drive; thence, binding upon the said northerly right-of-way line of U.S. Route 40, 160.01 feet by a curve to the right, having a radius of 7564.44 feet and a chord of North 65 27'54" West 160.00 feet to a point; and, 355.95 feet by a curve to the right, having a radius of 7564.44 feet and a chord of North 63 30'40" West 355.92 feet to a point; thence, North 15 39'31" East 702.90 feet to intersect the southerly right-of-way line of Dlong Road; thence, binding on said right-of-way line, South 71 58'23" East 282.73 feet to a point; 212.26 feet by a curve to the right, having a radius of 8276.23 feet and a chord of South 71 14'18" East 212.25 feet to a point; and, South 70 30'13" East 32.08 feet to a point; thence, South 33 56'43" East 16.07 feet to intersect the westerly right-of-way line of Nuwood Drive, thence, binding upon said right-of-way line, South 02 36'46" West 15.26 feet to a point; 190.98 feet by a curve to the right, having a radius of 665.00 feet and a

#184

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: with a total of 264 sq. ft. in lieu of the 100 sq. ft. maximium.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. Configuration of the property. 2. And such other and further reasons as may be demonstrated at the time of hearing. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm,

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day 19\_90, that the subject matter of this petition be advertised, as of \_\_\_\_\_, Is\_\_\_\_, that the subject matter of this period be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore



Printed with Soybean Ink on Recycled Paper

JJS:rye

Enclosure

c: zoning case 91-252-A

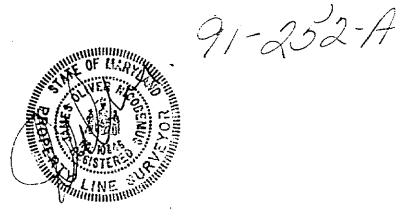
Planner II Zoning Review

page 2 ONE MILE WEST SHOPPING CENTER DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR VARIANCES

chord of South 10 50'25" West 190.33 feet to a point; South 19 04'03" West 540.26 feet to a point; and, South 66 30'56" West 23.62 feet to the point of beginning.

Containing 9.2835 acres of land, more or less.

This description taken from, and intended to comply with a Plat of Survey prepared by D.S.Thaler & Associates, Inc., dated August 14, 1986.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towsen, Maryland

District		Date of Posting
Petitioner:	g by contraction	
Location of proper	11/25 32 Bak	<u> </u>
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	ret of Mucoch	
Remarks:		
	Signature	Date of return:
Posted by	Glas stress	Date of return:

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case number: 91-252-A
N/S Baltimore National Pike, 35' W cfl of Nuwood Road
One Mile West Shopping Ctr.
1st Election District
1st Councilmanic
Petitioner(s):
HMH Construction Co.

Variance: to permit parking with direct vehicle access to travelways; to permit 503 parking

spaces in lieu of the minimum required 650; and to permit 3 other

business signs with a total of 264 sq. ft. in lieu of the 100 sq. ft.

CERTIFICATE OF PUBLICATION

5. Zefe Olmo

Publisher

\$ 60.78

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case number: 91-252-A
N/S Baltimore National Pike, 35' W c1 of Nuwcod Road
One Mile West Shopping Ctr.
1st Election District
1st Councilmanic Petitioner(s):
HMH Construction Co.
Hearing Date: Tuesday,
Feb. 12, 1991 at 10:00 a.m.

Variance: to permit parking with direct vehicle access to travelways; to permit 503 parking

spaces in lieu of the minimum re-

quired 650; and to permit 3 other business signs with a total of 264 sq. ft. in lieu of the 100 sq. ft.

Zoning Commissioner of Baltimore County CAT/J/1/203 Jan. 17.

J. ROBERT HAINES

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on \_\_\_\_\_, 19 \_\_\_\_\_.

THE JEFFERSONIAN,

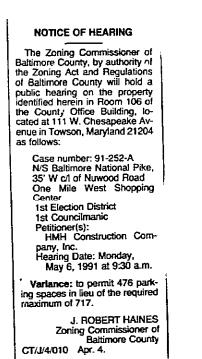
5. Tele Olman

\$ 60.78

Location of Signs: Charles of the Maker 200 What of Memoria Frank

Posted by Date of return: 4-1/1-7/

CERTIFICATE OF PUBLICATION



THE JEFFERSONIAN,

5. Zake Olm

\$ 56.70

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as tollows:

Case number: 91-252-A N.S Baltimore National Pike, 25 W. A. S. Baltimore National Pike, 25 W. S. Baltimore National Pike, 25 W. A. S. Baltimore National Pike, 25 W. S. Baltimore National Pike

Case number: 91-252-A
N/S Baltimore National Pike,
35' W c1 of Nuwood Road
One Wile West Shopping
Center
1st Election District
1st Councilmanic
Petitioner(s):
HMH Construction Company, Inc.
Hearing Date: Monday,
May 6, 1991; at 9:30 a.m.

Variance: to permit 476 parking spaces in lieu of the required maximum of 717.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
CT/J/4/010 Apr. 4.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of \_\_\_\_\_\_successive weeks, the first publication appearing on \_\_\_\_\_\_\_, 19\_\_\_\_\_.

S. Zefe Ollow

\$ 56.70

Baltimore County			][eee]		
Zoning Commissione County Office Building 111 West Chesapeake Avenu Towson, Maryland 21204			Account: R-001-6150 Number	Nε	378
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			SA COO2:43PH12-30 NEXT BUSI	MESS DAY	
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Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

To be combined with

Item #184, Case #91-252-A

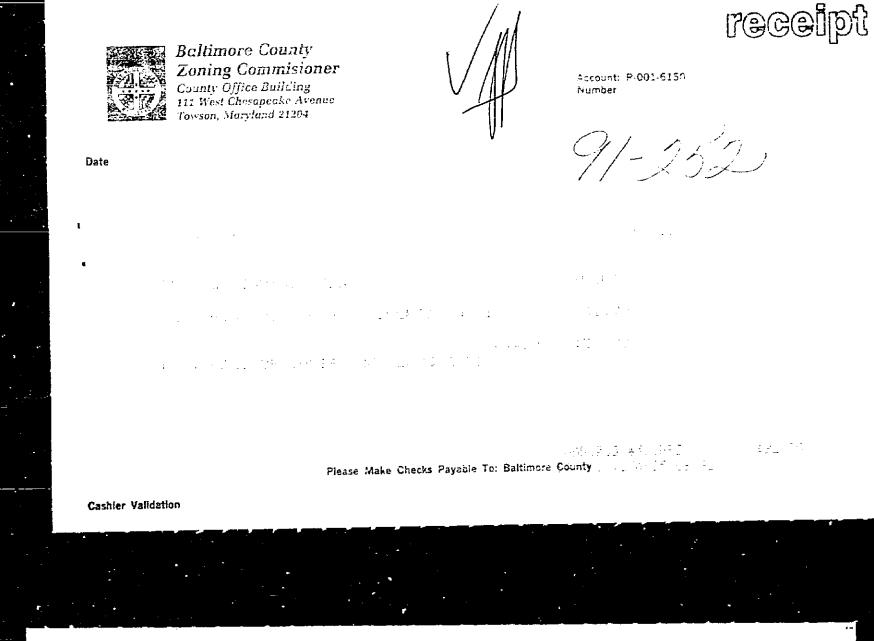
PUBLIC HEARING FEES
020 - ZUNING VARIANCE (OTHER)

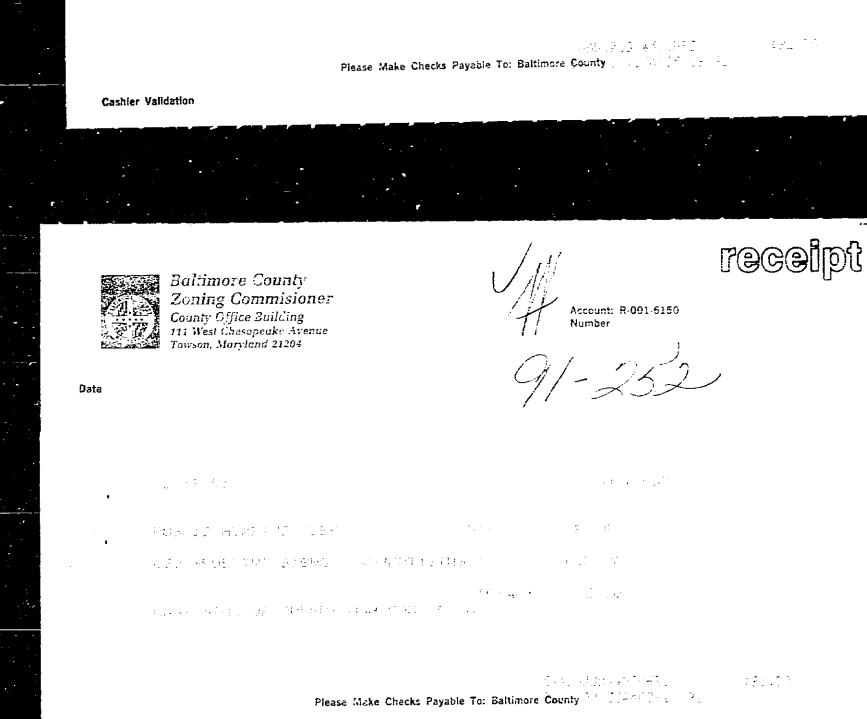
LAST NAME OF OWNER: HMH CONSTR CO

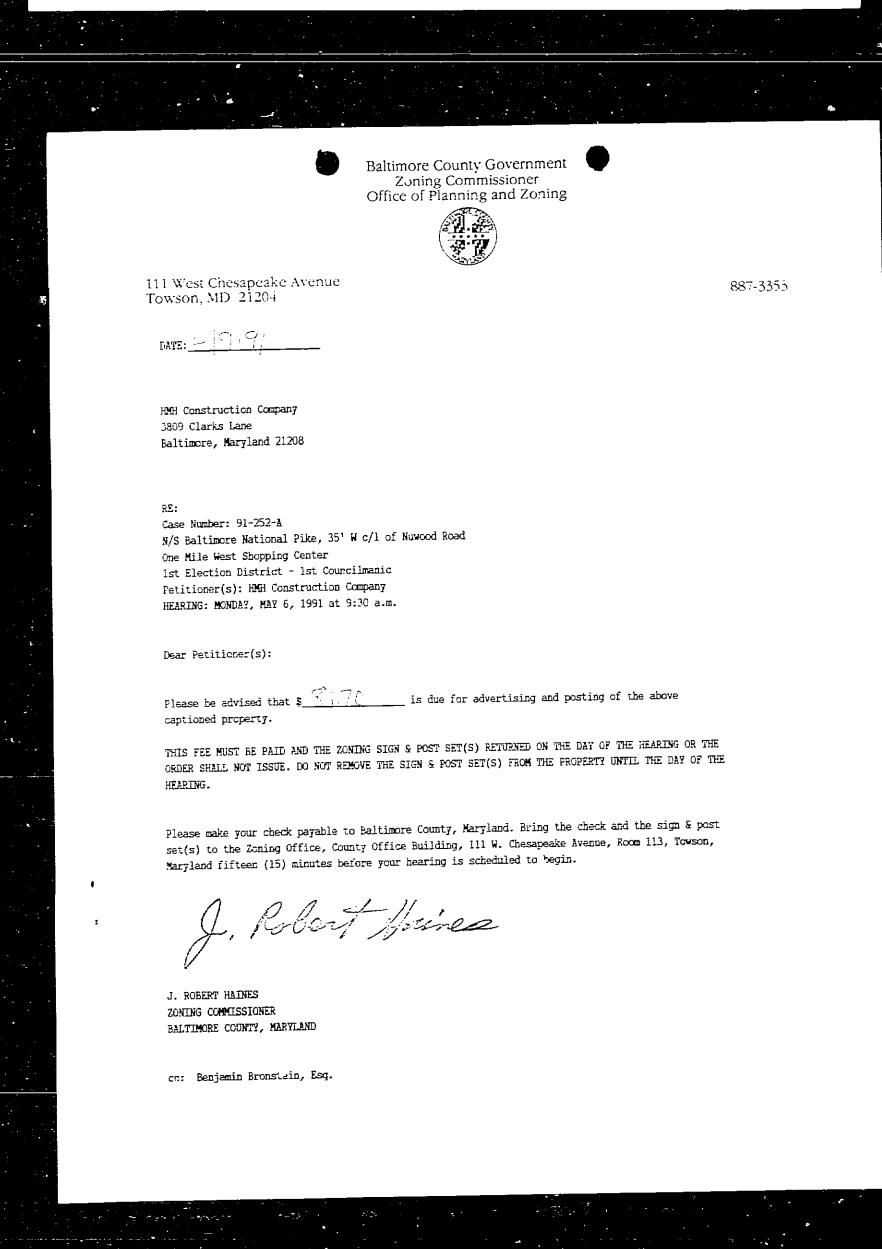
TOTAL: \$175.00

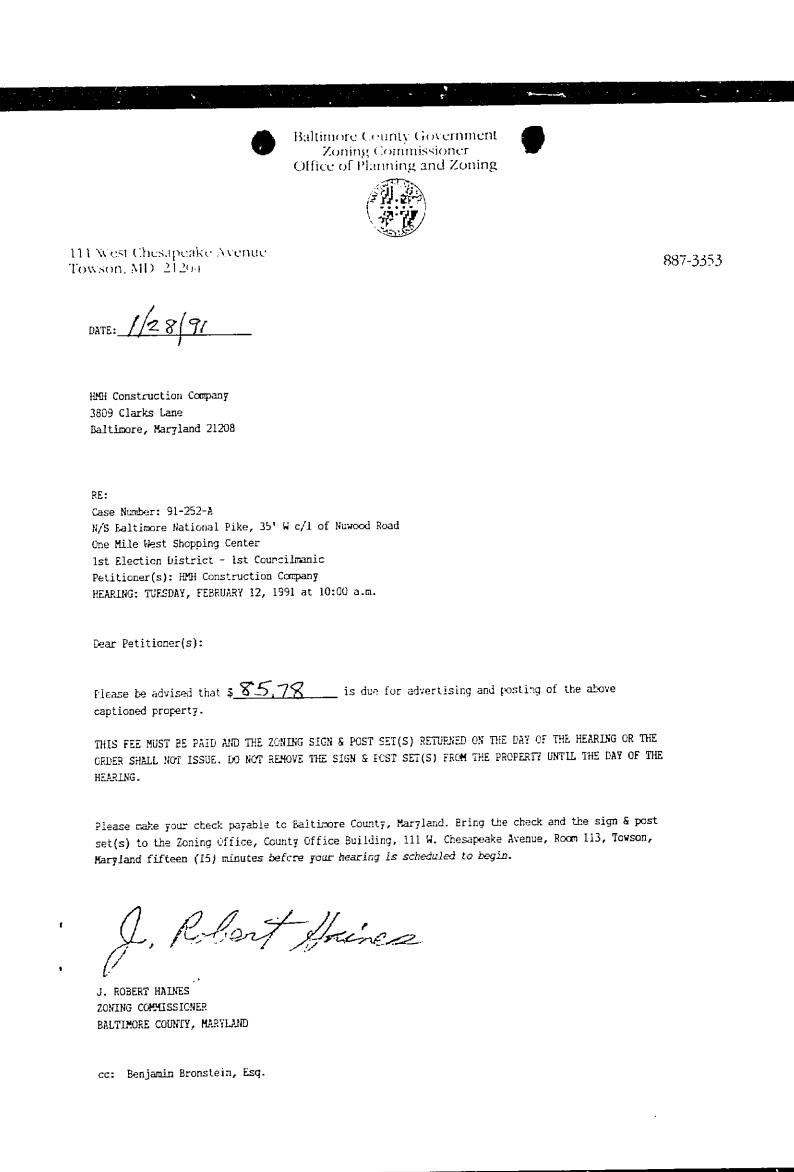
Please Make Checks Payable To: Baltimore Equity)12:48PH02-27-91

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Title ost chesapeake Avenue for an Mr 1701

887-3353

January 8, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Raltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-252-A N/S Baltimore National Pike, 35° W c/1 of Nuword Road One Mile West Shopping Center lst Election District - 1st Councilmanic Petitioner(s): HMH Construction Company HEARING: TUESDAY, FEBRUARY 12, 1991 at 10:00 a.m.

Variance to permit parking with direct vehicle access to travelways; to permit 503 parking spaces in lieu of the minimum required 650; and to permit 3 other business signs with a total of 264 sq. ft. in lieu of the 100 sq. ft. maximum.

Zoning Commissioner of Ealtimore County

cc: HMH Construction Company Benjamin Bronstein, Esq.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning M.A 111 West Chesapeake Avenue

March 18, 1991 NOTICE OF HEARING

Towson, MD 21204

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-252-A N/S Baltimore National Pike, 35' W c/l of Nuwood Road One Hile West Shopping Center 1st Election District - 1st Councilmanic Petitioner(s): HMH Construction Company HEARING: MONDAY, MAY 6, 1991 at 9:30 a.m.

Variance to permit 476 parking spaces in lieu of the required maximum o 717.

J. ROBERT HAINES Zoning Commissioner of

Baltimore County

cc: HMH Construction Company Benjamin Bronstein, Esq. David S. Thaler/Rowan Glidden Howard P. Sugarman

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

January 31, 1991

Benjamin Bronstein, Esquire Evans, George and Bronstein 29 W. Susquehanna Avenue, Suite 205 Towson, MD 21204

> RE: Item No. 184, Case No. 91-252-A Petitioner: HMH Construction, et al Petition for Zoning Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

cc: Mr. Harry Sampson HMH Construction Company 3809 Clarks Lane Baltimore, MD 21208

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 21st day of November, 1990.

ZONING COMMISSIONER

Received By:

Petitioner: HMH Construction Co. Petitioner's Attorney: Ben Bronstein

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

March 8, 1991

Mr. J. Robert Haines Zoning commissioner County office Building Towson, Maryland 21204 Attn: Hr. James Dyer Re: Baltimore County One Mile West Shopping Center Zoning Meeting of 11-20-90 N/S Baltimore National Fike (Route 40-W) West of Nuwood Road

(Item =184) Revised Plan

Dear Mr. Haines:

We have reviewed the revised plan for the One Mile West Shopping Center and have the following comment. Since the proposed parking spaces within the limits of the existing entrance were eliminated, we find the plan acceptable allowing the entrance to remain open. If we can be of further assistance, please contact Larry

product of this office at 233-1350. John Contestabile, Chief

Engineering Access Permits

cc: D. S. Thaler & Assoc., Inc. Mr. J. Ogle

My telephone number is 333-1350 (Fax = 333-1041) Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717



Maryland Department of Transportation State Highway Administration

Richard H. Trainor Secretary Hal Kassoff Administrator

Re: Baltimore County One Mile West Shopping Center - HMH Construction Company Zoning Meeting of 11-20-90 N/S Baltimore National Pike (Route 40-W) 35' West

of Nuwood Road

(Item #184)

November 9, 1990

Dear Mr. Haines:

Mr. J. Robert Haines

Zoning Commissioner

County Office Building

Towson, Maryland 21204

Attn: Mr. James Dyer

We have received the submittal for a variance to permit parking with direct vehicle access to travelways and to permit 3 other business signs with a total of 264 square feet in lieu of the 100 square feet maximum and have the following comment.

In order to provide the proposed parking spaces, one existing entrance onto Baltimore National Pike must be closed with State Highway Administration Type 'A' concrete curb and gutter as shown on the enclosed revised plan.

All work within State Highway Administration right of way must be performed under an access permit issued by our office prior to issuance of building permits.

Also, we have forwarded this plan to our Highway Beautification Section, c/o George Dawson (333-1642) for all comments related to the sign variance. If we can be of further assistance, please contact Larry Brocato at (301) 333-1350.

Engineering Access Permits

LB:maw enclosure

> cc: Mr. George Dawson (w-enclosure) D.S. Thaler & Assoc., Inc. (w-enclosure) Mr. J. Ogle (w-enclosure)

My telephone number is (301) 333-1350 (Fav =333-1041) Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717



Maryland Department of Transportation State Highway Administration

Richard H. Trainor Secretary Hal Kassoff Administrator

November 23, 1990

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Attn: Mr. James Dyer

RE: Plan concerning the N/S Balto. Nat'l Pike (Rte. 40 West) 35 Ft. West of Nuwood Rd. Balto. Co. Zoning Item No. 184

Dear Mr. Haines:

Plans concerning the above subject were reviewed, and the location in question was inspected by Mr. Jessie L. Parker, the Highway Beautification Inspector for the area.

This office has no objective to the location of the signs as per plans submitted. Should you need further information, please call me at 333-1640.

> Sincerely, Wings 1, Dansen George T. Dawson, Chief Highway Beautification Section

GTD:lrs cc: John Contestabile Jessie Parker



ZONING OFFICE

My telephone number is (301) 333-1640 Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toli Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Department of Public Works Bureau of Traffic Engineering

101 Bosley Avenue Suite 405 Towson, MD 21204

Fax 887-5784

December 10, 1990

ZAC November 20, 1990

N.W. corner of Baltimore

HMH Construction Co.

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Item #184 Property Owner:

Location: Existing Zoning: Proposed Zoning:

National Pike & Nuwood Rd B.R. Variance to permit parking with direct vehicle access to travelways, to permit 503 parking spaces in lieu of the required 650; and to permit 3 other business signs with a total of 264 sq. ft. in lieu the 100 sq. ft. max. 9.2 acres 1st Election District

1st Councilmanic District

District

Dear Mr. Haines: The requested variance to parking can be expected parking problems in the area.

> Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

MSF/lab



BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: December 5, 1990

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: HMH Construction Company, Item No. 184

The Petitioner requests a Variance to permit parking with direct vehicle access to travelways, to permit 503 parking spaces in lieu of the minimum required 650, and to permit three other business signs with a total of 264 sq. ft. in lieu of the 100 sq. ft. maximum.

In reference to the Applicant's request, staff provides the following comments:

- This project received CRG approval on June 29, 1989.

- The Petitioner's plat should be amended to indicate a zoning history.

On October 30, 1990, the zoning commissioner granted a variance to permit two free-standing business signs with a total area of 138 sq. ft. (see Case No. 91-67A). Other than a standard reference to the 30-day appellate process, no restrictions were attached with the Order.

In a revised comment, dated October 10, 1990, the Office of Planning and Zoning recommended the following:

"This office supports the Petitioner's request should a consolidated sign package incorporating the anticipated fast food establishment be submitted."

In the subject case, filed prior to the execution of the previously mentioned order, still another variance has been requested.
The Petitioner's proposal, in the opinion of staff, would add to the existing visual clutter along Baltimore National Pike; therefore, staff recommends the Petitioner's request be denied, and strongly suggests again that the Petitioner incorporate this and any additional signage with the existing signs currently in place.

HMH Construction Company, Item No. 184 Page 2 December 3, 1990

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm ITEM184/ZAC1

Towson, MD 21204

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

Baltimore County Government

Fire Department

74. LA

March 13, 1991

J. Robert Haines Zorire Commissioner Office of Planning and Zoring Ealtimore County Office Eviloing

 Revised petitions, descriptions and plats for #286 were submitted on 3/5/91.

7. The Fire Prevention Eureau has no comments at this time.

2. Revised petitions and plats for #184 (Case #91-252-A) were submitted on 2/27/91.

7. The Fire Prevention Eureau has no comments at this time.

Zoning Agenda: March 12, 1991

Flanning Group Special Inspection Division

JK/REE

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

NOVEMBER 21, 1990



Dennis F. Rasmussen

Office of Planning and Zoning Baltimore County Office Building

HMH CONSTRUCTION COMPANY

Towson, MD 21204

ONE MILE WEST SHOPPING CENTER Location:

Zoning Agenda: NOVEMBER 20, 1990 Item No.:

Gentlemen:

J. Robert Haines

Zoning Commissioner

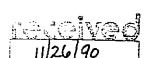
RE: Property Owner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Approved Capt Lillian T. Bady O.R. Fire Prevention Bureau Special Inspection Division

JK/KEK



BALTIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE NOVEMBER 15, 1990

J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT:

ZONING ITEM #: 184
PROPERTY OWNER: HMH Construction Company N/S Baltimore National Pike, 35' W LOCATION: Centerline of Nuwood Road (One Mile West Shopping Center)
EIECTION DISTRICT: Ist COUNCILMANIC DISTRICT: 1 st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

FOLLOWING: ( ) PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) NUMBER PARKING SPACES ( ) BUILDING ACCESS

( ) RAMPS (degree slope) ( ) CURB CUTS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(🔀 A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

(A) OTHER - BUILDING SHALL COMPLY TO THE HEIGHT & AREA REQUIZETHENTS OF THE BUILDING CODE, ALL SIGNS SHALL PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND

DATE: February 15, 1991

Inter-Office Correspondence

Deputy Zoning Commissioner

Gwendolyn Stephens Ann M. Nastarowicz  ${\mathcal W}$ 

Mitch Kellman

SUBJECT: Petition for Zoning Variance N/S Baltimore National Pike, 35' W of the c/l of Nuwood Road (6600 Baltimore National Pike) 1st Election District - 1st Councilmanic District HMH Construction Company - Petitioner

Please be advised that the hearing in the above-captioned matter, which was scheduled for Tuesday, February 12, 1991, was continued to allow Petitioner an opportunity to file an amended Petition for Zoning Variance.

I have instructed them to set up an appointment with you, Mitch, at your earliest convenience. Thereafter, the matter will be rescheduled for a continued hearing, following readvertisement and reposting. Gwen, please reschedule the matter in for a day on which I am scheduled to hear cases. Most likely, it should take no more than 30

minutes. Please see me upon receipt of the amended Petition regarding an

agreeable date and time. Mitch, the following items need to be addressed when reviewing the amended Petition:

Parking requirements and calculations;

2) Signs -- All signs for the property must be denoted on the plat and specified as to how they are needed as Petitioner has indicated the sign variance originally requested will no longer be needed;

Zoning history;

4) Check all Zoning Plans Advisory Committee comments to make sure any issues raised are properly addressed.

Should either of you have any questions, please do not hesitate to see me. Thank you both for your assistance in this matter.

cc: File

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: April 23, 1991

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: HMH Construction Company, Item No. 184

In reference to the petitioner's requested amended variance, staff offers the following comments:

The request for 241 fewer parking spaces is excessive. Any change necessitating the need for such a variance would result in an over-development of the site.

Please find our initial comments dated December 5, 1990, attached.

This office recommends that the petitioner's request be denied.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm ITEM184/ZAC1 Attachment

received

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

March 8, 1991

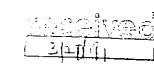
TO: James A. Dyer Zoning Supervisor

FROM: James H. Thompson Zoning Enforcement Coordinator

RE: 1985 No. 91-252-A N/S Baltimore National Pike, 35' W of the C/N of Nuwood Road (6600 Baltimore National Pike) lat Election District

Piease note that an active violation case does exist for the above referenced property, Case No. C-91-680.

Our case file relates to the Illegal placement of trailers with Raitimore County as the complainant.



TUREAU OF TRAFFIC FUGINEFRING DEPARTMENT OF PUBLIC WORKS HALF HORE COUNTY, MARYLAND

DATE: March 20, 1991

Mr. J. Robert Haines Zoming Commissioner

Rahee J. Famili SUBJECT: Z.A.C. COMMENTS

3.A.C. MEETING DATE: March 12, 1991

ITEM RUMBER: 184

Dear Mr. Maines:

Please see the C.R.G. comments for this site.

Traffic Engineer II

RJEAVA

Balumore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue Towson, MD 21204

August 21, 1992

Mr. Alan E. Scoll, R.L.A. D. S. Thaler & Associates, inc. 7115 Ambassader Read Baltimore, MD 21207

RE: Red-line Plan Coning Mariance #91-252-A One Mile West Shopping Center ist Election District

4453

Dear Mr. Scoll:

Your letter to Don Hascoe , Development Manager dated July 27, 1992 has been referred to me for reply. The red-line site plan for Wendy's Restaurant submitted with your letter has been accepted for the above referenced zoning hearing file.

If you have any questions, please do not hesitate to contact me at 887-3391.

> Yery truly yours, Developement Manager

cc: Hearing file Zoning file

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

PRE-CRG DATE: 9/17/90 ZONING OFFICE

PROJECT NAME: One Mile West Shopping Center

LOCATION: NW/cor Baltimore National Pike

and Nuwood Road

DISTRICT: 1c1

PLAN: 6/7/90 REV.: 9/20/90 REV.

ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

CRG DATE: 9/27/30

REVISED PLAN KEY: (X) COMPLIANCE WITH COMMENT CHECKED (O) NON-COMPLIANCE IS CIRCLED

(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)

The plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify obvious conflicts with the Faltimore County Zoning Regulations, and details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer, or developer's engineer to rectify all conflicts well in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning conflicts must be identified conspicuously on the plan under "Zoning Public Hearing Request". If a public hearing is requested, the assistance received at the time of filing zoning petitions and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of any public hearing requests:

ELIGIBILITY FOR "SINGLENESS OF USE" PARKING REQUIREMENT -- This shopping center was developed under the previous parking regulations prior to 5/26/88. Pursuant to Section 409.1 and Section 409.6.A.2 (B.C.Z.R.), effective 5/26/88, a shopping center with over 100,000 sq. ft. of gross leasable area may utilize a "singleness of use" parking requirement of 5/1,000 sq. ft. To be eligible for this overall parking calculation on an existing site, the existing conditions and any proposed changes on additions must all be brought into compliance with all current provisions of Section 409 or variances and/or a modified parking plan must be approved by the Zoning Commissioner pursuant to Section 409.12.B

INTY REVIEW GROUP COMMENTS WULECT NAME: One Mile West Shopping Center JRG DATE: 9/27/90 PRE-CRG DATE: 9/17/90 PAGE 2

> REQUIRED PUBLIC ZONING HEARINGS -- The plan and the proposed and existing site conditions must be revised to clearly indicate compliance with Section 409 or variances are required from the following sections, including but not necessarily limited to:

> 409.4 -- Parking with direct access to vehicle travelways (3-4 locations); b. 409.5 -- Compact Spaces - not allowed on shopping centers; c. 409.8 -- Screening, Landscaping (per manual), Lighting (location, direction and standards protected) - parking distance to street right-of-way (10 ft. required, permanent striping required); d. 409.10 -- Drive-through Facilities - stack spaces must not interfere with required aisles and access to other parking spaces. Identify

principal pedestrian accesses; e. 409.11 -- Loading - label, dimension spaces and locate so as not to

interfere with other parking requirements.

\*9/20 f. 469.6.A.2- Parking-to penalt 503 spaces in lieu of the required 550 spaces.

\*9/20 g. 413.2.f- Signs-to penalt 460 sq. ft. of "other" signs in lieu of the allowed 100 sq. ft.

RIGHT-OF-WAY/SETBACKS/BUILDING ORIENTATION/SITE CHANGES -- Clearly indicate compliance with Section 303.2 (average street front setbacks); show existing and proposed building front orientations and label all buildings either "existing" or "proposed". Clearly distinguish between existing site conditions and any proposed changes. Confirm the Route 40 easement and its purpose as distinguished from the right-of-way.

SIGNS -- Provide an engineering scale elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with Section 413 (B.C.Z.R.) and all zoning sign policies or a zoning variance is required. One free-standing shopping center I.D. sign is permitted 150 sq. ft. (double-face).

A maximum of 3 "other" free-standing signs are permitted with a maximum total area of 100 sq. ft., counting all faces. Free-standing menu boards and any free-standing signs with logos or company names count towards the permitted square footage and number of signs on site.

HISTORY -- Provide a zoning history by case number on the plan including the date of the last Order, what was requested, granted or denied and listing and indicating compliance with any restrictions including, but not necessarily limited to, case numbers 1542, 2462, 5159-RX, 68-170-R. Clarify if the special exception was ever utilized within the required 2 year period in accordance with Section 502.3 (B.C.Z.R.). If utilized, the owner must submit a red-lined public hearing rlan to the Zoning Commissioner to request a determination of whether or not a public hearing would be required to abandon or remove the "in place" special exception zoning on the property.

JNTY REVIEW GROUP COMMENTS ROJECT NAME: One Mile West Shopping Center JRG DATE: 9/27/90 PRE-CRG DATE: 9/17/90

PAGE 3

6. GENERAL -- Included by reference and attached copy of 6/29/89 unresolved Discretion drivered by reference and accades copy of 0/25/05 diffestived according C.R.G. comments #1-4 for the Econo Lube-N-Tune. Indicate curbs (labeled) or anchored wheel stops on the plan. Note that all parking, aisle and maneuvering areas will be paved (indicate type) and permanently striped. Dimension driveways (one and two-way) and aisles.

7. Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

ADDED 9/20/90 AFTER PRE-CRG MEETING:

8. The following provision of Baltimore County Code Title 22, Article IV, was enacted and took effect on 3/30/90:

"Sec. 22-51. Compliance with other laws and regulations.

In addition to compliance with these development regulations, all development shall comply with all other applicable laws, rules or regulations of the county. All other laws, rules or regulations of the county affecting development are not superseded by these development regulations unless specifically so provided herein. The county may not process plans or permits for any proposed development if the applicant owns or has any interest in any property located in Baltimore County upon which there exists, at the time of the application or during the processing thereof, a violation of the zoning or development regulations of Baltimore County. (Bill No. 56, 1982, subsection 2; Bill No. 18, 1990, subsection

On 9/29/90, after an on-site inspection, the Zoning Enforcement Office informed the Development Control section of the Zoning Office of violations on the shopping center site (see attached letter). Pursuant to the above referenced section, this office recommends a continuance of the C.R.G. meeting and that a continued meeting not be scheduled until such time as all violations are resolved.

> W. CARL RICHARDS, JR Zoning Coordinator

DDENDUM TO COUNTY REVIEW GROUP COMMENTS PROJECT NAME: One Mile West Shopping Center CRG DATE: 9/27/90 PRE-CRG DATE: 9/17/90

HALTIMORE COUNTY, MARYLAND

CRG DATE: 6/29/83 SUBJECT: COUNTY REVIEW GROUP COMMENTS PRE-CRG DATE: 6/19/89

PROJECT NAME: Econo Lube-N-Tune

LOCATION: NW/S Nuwood Road, N Balto. Nat'l Pike (one mile west S.C.)

REVISED PLAN KEY: (X) COMPLIANCE WITH COMMENT CHECKED (O) MON-COMPLIANCE IS CIRCLED (BA) BE ADVISED (BOT BECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED FRIOR TO FINAL ZONING APPROVAL) ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

\*no revised plan received on 6/23

DISTRICT: 1cl

PAGE 4

The plan as submitted generally meets the zoning regulations for C.R.G. approval, provided that prior to final zoning approval, that the following comments are addressed: 1. Parking - Uses - Number the service bays that count towards the required 9

parking spaces and clearly number and provide the balance of required spaces as "non-blocked" parking spaces. The 5 shown blocked parking spaces conflict with S.409.10.A (B.C.Z.R.) and should be subtracted from the provided parking calculations. Also indicate the principal pedestrian access to the building on the plan print. On the shopping center plan, check the shape and size of the Toys-R-Us addition and the parking totals on the 1983 building permit plan. Update the shopping center tenants to include additional restaurant, pool hall and other uses to date in the calculations and included in the plan detail. Number bay totals on the S.C. plan.

2. Note on the plan "All damaged or disabled vehicles or parts will be stored inside of building and that all parking and stacking spaces will be permanently striped". Indicate the building front orientation, indicate any anticipated lot or lease

lines, and show building setbacks to these lines. Final zoning approval would be contingent first upon the resolution of all comments, the outcome of any required zoning hearings and finally the inclusion BA of the blue checklist information included on the building permit site plans.

> W. CARL RICHARDS, JR. Zoning Coordinator

COUNTY REVIEW GROUP COMMENTS PROJECT NAME: One Mile est Shopping Center CRG DATE: 9/27/90 , PRE-CRG DATE: 9/17/90

> There is Maryland 21204 (301) 537 3353

J. Robert Haines September 20, 1990

Hill Construction Company, Inc. 3803 Clarks Lane Baltimore, Haryland 21215 Mr. R. David Adelberg, Resident Agent rolm 303 105 West Chesspeake Avenue Towson, Maryland 21204 Poom 309

Dear Hessra. Echn and Adelb. 1:

FE: Case No. C-91-680 Coe Hile West Shopping Center 6601 Baltimore National Pike ist Election District

It is my understanding that 1286 Construction Company, Inc. o-ns the Coa Hile West Chapping Center at 6601 Baltimore National Fike. Currently you have an item on the CFO Ago da. In connection with the CPG meeting, a field inspection of the subject location was made on September 19, 1990. I observed four violations of the <u>Baltimore County Zoning</u>

<u>Regulations</u>. Tootles, a tenant on your property has a portable sign without banefit of a temporary sign permit. This is especially disturing as some 16 months ago I prodecuted them for the same offence. Toys "R" Us has five trailers to the rear of their store. These appear to be the same five trailers I saw some six or seven weeks ago when I was in the area on an unrelated site inspection. In effect there is a Class II Trucking Facility at your property. This is not allowed given your zoning. The third apparent violation is at the Econo Lube 'N Tune. They too have a temporary banner on the exterior of their building without benefit of a permit. Additionally, Econo Lube 'N Tune has a permanent sign placed temporarily on the ground. Its permanent placement would put it in violation of the site plan submitted for CRU approval. Its temporary placement would not be allowed.

Within seven days of the date of this letter, you must remove the portable sign for Tootles, the "permanent" sign for Econo Lube 'N Tune and obtain a temporary sign permit for the banner at Econo Luba 'M Tuna (or remove it). A permit can be obtained in Room 107 of the Baltimore County Office Building at 111 West Chespeake Avenue in Towson. The fee is \$35.00. Within thirty days all trailers behind Toys "R" Us must be removed. Only if active loading or unloading is occurring can a trailer

You need to know that while apparent zoning violations exist on your property, the Office of Planning and Zoning will not sign off on any permits in conjunction with development at this address. The sconar you address these issues, the easier the CRG process will be. If you have any questions, please do not hesitate to contact me at EB7-B095.

Sincerely, DEREN PROPALIS Zoning Inspector

LAW OFFICES EVANS, GEORGE AND BRONSTEIN SUSCIEHANNA BUILDING, SUITE 205 29 WEST SUSCIEHANNA AVENUE

TOWSON, MARYLAND 21204 (301) 295-0200 F43 (301) 296-3719

L ROBERT EVANS HARR SUAMES GEORGE BENJAMIN BRONSTEIN MICHAELL CHOMES

DOUGLAS A STUBBS

BB/mlh

The Honorable Ann Nastarowicz Deputy Zoning Commissioner for Baltimore County County Office Building 111 W. Chesapeake Avenue Room 109 Towson, Maryland 21204

> Re: <u>Item 184</u> Case No.: 91-252A HMH Construction, et. al.

Dear Ms. Nastarowicz:

As you may remember this case was continued at the petitioner's request when it came for hearing before you on February 12, 1991. At that time it was agreed that the petitioner would file an amended site plan together with an amended petition both of which were filed with Mr. Kelman of your department on February 26, 1991.

At the original hearing you stated you would treat this case as a continued hearing and therefore expedite the new hearing date. Because of the urgent need to start construction on the Toys-R-Us building, I would appreciate your having the matter set in for hearing at the earliest date possible. It is anticipated that there will be no opposition to the plan.

Thank you for your kind and immediate attention to this matter.

> Very truly yours, EVANS, GEORGE AND BRONSTEIN

cc: Arnold Kohn David S. Thaler

Benjamin Bronstein

